

A²
Contd

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40. (Amended) Method for treating or preventing diseases related to the action of melatonin in mammals which comprises administering to a subject in need thereof a therapeutically effective amount of a [compound] composition as claimed in claim [1 and pharmaceutically acceptable carrier] 35.

41. (Amended) A process [Use] of [a compound as claimed in claim 1 for] manufacturing a pharmaceutical composition [for treating or preventing diseases relating to the action of melatonin in mammals] comprising the steps of selecting a compound or pharmaceutically acceptable salt of claim 1 and admixing said compound or salt with a pharmaceutically acceptable carrier.

REMARKS

The claims have been amended for better U.S. format and/or in order to more specifically recite various preferred embodiments of the present invention. No new matter has been added.

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449.

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The documents were recently cited in Applicants' corresponding PCT Patent Application JP 97/00677. A copy of the PCT Written Opinion is also enclosed for the Examiner's convenience, together with copies of the listed documents. The remaining references discussed in the Written Opinion (documents D1-3) were previously brought to the Examiner's attention in the Information Disclosure Statement dated March 5, 1997.

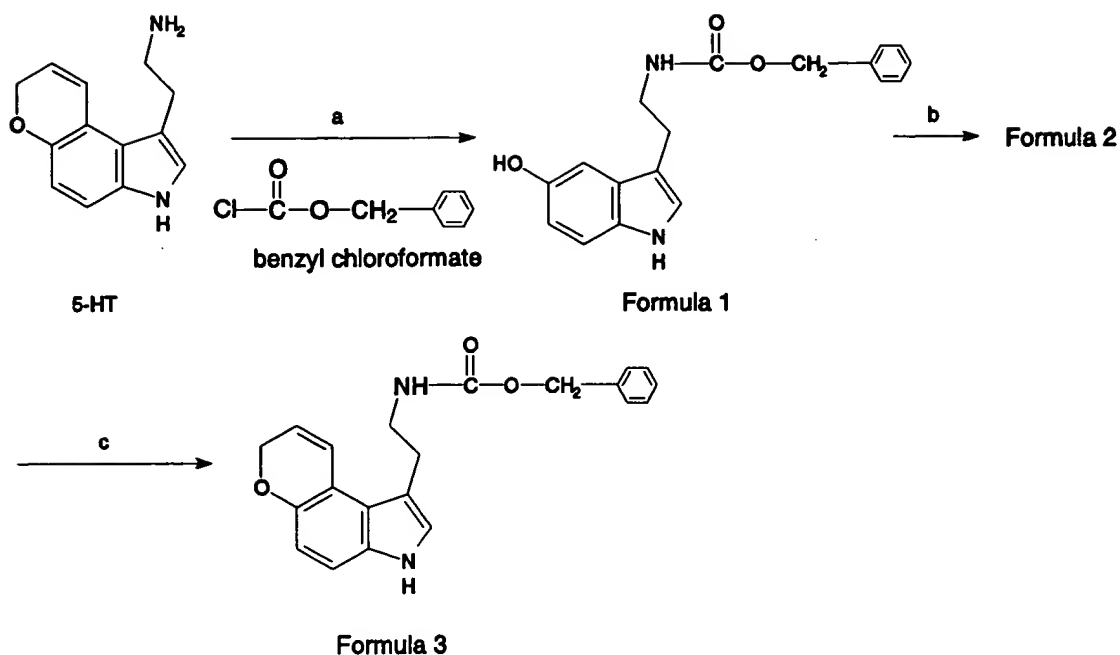
It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

For the Examiner's information, although the Search Report states that the formula 3 at page 7020 of Tetrahedron Letters^{1/} has an alkoxy group in the R¹ position of the present application, that compound is actually benzyloxycarbonyl (e.g., "Cbz") and not alkoxy.^{2/}

This is also clear from the Scheme 1 at page 7020 of Tetrahedron Letters, wherein

^{1/} Vol. 36, No. 39 (1995) 7019-22, cited in the March 5, 1997 Information Disclosure Statement.

^{2/} Although the Written Opinion also states that the R¹ moiety can be an optionally substituted hydrocarbon, this also fails to teach or suggest alkoxy; "alkoxy" is a hydroxy substituted by alkyl.



Accordingly, the reference neither teaches nor suggests any compounds of the present invention.


CONCLUSION

Entry hereof and early allowance of this application are earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 758-2400. All

correspondence should continue to be directed to our below
listed address.

Respectfully submitted,


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